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**From:** Rowan, Anne [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=02CBCC49DDB94091B9F4E358EB001352-AROWAN]  
**Sent:** 7/19/2017 3:27:31 PM  
**To:** Furey, Eileen [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5aaa3a0ee58047d983897c53c1eb283e-EFurey]  
**CC:** Kelley, Jeff [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e154fa5a5f744c70aa3da58e3f87aabe-JKelley]; Singer, Joshua [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=f29c3a13f65447ae887edd3bdc89d77a-JSinge02]  
**Subject:** Re: Sheboygan

If memory serves, we once responded to this group on another matter and Deliberative Process / Ex. 5. But we can discuss / explore

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On Jul 19, 2017, at 10:19 AM, Furey, Eileen <[furey.eileen@epa.gov](mailto:furey.eileen@epa.gov)> wrote:

Anne and Jeff –

Below is one of several ~~articles that have been appearing in the Sheboygan press about the “unfair” air monitor located there.~~ **Deliberative Process / Ex. 5**

Eileen

Eileen L. Furey  
Deputy Director  
Air and Radiation Division  
U.S. EPA Region 5  
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**From:** Mooney, John  
**Sent:** Wednesday, July 19, 2017 9:04 AM  
**To:** Furey, Eileen <[furey.eileen@epa.gov](mailto:furey.eileen@epa.gov)>; Aburano, Douglas <[aburano.douglas@epa.gov](mailto:aburano.douglas@epa.gov)>  
**Subject:** Sheboygan

Or maybe this:

SHEBOYGAN - A conservative, public-policy law firm in Milwaukee has issued a report urging congress to take action on what it calls an EPA "assault" on Sheboygan County.

The report and short documentary, released by the Wisconsin Institute for Law & Liberty's Center for Competitive Federalism, says an unfair "nonattainment" designation levied against Sheboygan County by the Environmental Protection Agency is restricting local businesses and hurting the economy

For decades, an air monitor located in Kohler-Andrae State Park has been reading high ozone levels, but studies have shown the pollution is "transport" from Illinois and Indiana that blows along the shoreline on lake breezes — and that Sheboygan County's actual air quality is much better than the monitor suggests.

Regardless, the EPA's reliance on the data from the monitor has placed Sheboygan County in "nonattainment," which means air quality is worse than the National Ambient Air Quality Standards, triggering additional federal regulations and permitting requirements for businesses that operate in the county.

"Your government in Washington has identified a problem that doesn't exist, which is poor air quality in Sheboygan County, by mis-measuring air quality," WILL President Rick Esenberg said. "Having identified this phantom problem, they decided that the thing to do is to impose an obligation on people, business in Sheboygan County, who couldn't solve the problem anyway because much of the air quality in this county is determined by people in Chicago, Illinois and Indiana."

Studies suggest that approximately 87 percent of what's being measured by the monitor is not being generated by Sheboygan County, according to the Sheboygan County Chamber of Commerce.

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**RELATED:** [Opinion: Change EPA's nonsensical rule that hurts Sheboygan County](#)

<image001.jpg>

Air monitoring equipment located at Kohler-Andrae State Park. (Photo: Gary Klein / USA TODAY NETWORK - Wisconsin)

"We are being held responsible for what other people are emitting into the atmosphere," Jane Brill, marketing and program director at the Sheboygan chamber, said. "It's not that we are advocating that we don't want to be environmentally responsible. What we are advocating for is looking at the Kohler-Andrae monitor for what it was originally put there for, and that is for measuring transport."

A second monitor was installed inland, near the town of Haven downwind from ozone producers in the county, which shows significantly lower ozone levels — and would place the county back in "attainment" — but it would take federal congressional action to allow the second monitor to be used instead of the shoreline monitor.

With the issue tied up by federal law, there is little the state or county can do to resolve the problem.

"No regulation has been more nonsensical than the EPA's application of the Clean Air Act's ambient air quality standards on Sheboygan County," commented WILL Associate Counsel Jake Curtis. "Congress can, and should, act now to provide much needed flexibility to state and local units of government."

The report by WILL notes that air quality has actually been improving in Sheboygan County, with NOX emissions declining 47 percent and VOC emissions declining 39 percent since 2008.

However, due to the pollution monitor currently used by the EPA, no amount of emissions reductions by local businesses would change the designation, according to WILL.

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Pedestrians walk on south pier while a sail boat glides by on its way to Lake Michigan Tuesday July 18, 2017 in Sheboygan. (Photo: Gary C. Klein/USA TODAY NETWORK-Wisconsin)

The EPA designation not only affects manufacturers in the county, but also has consequences for other large employers in the area. Due to the county's "nonattainment" standards, the American Lung Association gives the county an "F" grade for air quality, which can deter potential employees from relocating or taking a job here, officials said.

"Anyone who walks down the street in Sheboygan knows there is no smog here, and that's what ozone is — it's smog essentially," Lucas Vebber, general counsel for Wisconsin Manufacturers & Commerce, said.

The report by WILL concludes by offering several immediate steps Congress can take to alleviate the requirements by providing flexibility to Wisconsin and the DNR to meet ozone standards, such as allow the state to choose the location of the air monitor.

"The reality is, this requires federal action," Curtis said. "Legislation is the long-term solution."

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